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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,341	10/17/2003	Robert M. Ransom	WEC-131-A	7081

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EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,341

Applicant(s)

RANSOM, ROBERT M.

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cesare in view of Zheng. (6,360,761)
3. Regarding claims 1 and 2, Cesare discloses a protective liner in the shape of a pickup truck bed comprising a floor (4, Figure 1 and column 2, lines 43-60) and normal walls (48, 50, 52, 54) made from a flexible, substantially impermeable material (column 2, lines 38-39). Cesare discloses the liner maintains its shape when standing alone (column 2, lines 12-14) but does not teach use of a sleeve with a coilable resilient frame.

Zheng discloses a collapsible structure capable of use as a liner with a floor (base) having a coilable resilient frame in a sleeve affixed to the perimeter of the floor to maintain the shape of the structure when standing and allow the structure to be collapsed for storage (Figures 1 and 3, column 3, lines 15-16, lines 21-26 and lines 36-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a coilable resilient frame in a sleeve affixed to the perimeter of the floor as disclosed by Zheng in the liner disclosed

by Cesare to provide means for the liner to maintain its shape when standing and to be collapsed for storage

4. Regarding claims 7 and 13, Cesare discloses the liner can be removably secured to the vehicle by use of grommets (20) with rope or bungee cords.

5. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cesare and Zheng, as applied to claim 7 above, and further in view of Dearborn. The protective liner of claim 7 having an uncollapsed and collapsed orientation (Figure 6) is disclosed except for the use of a container for the collapsed liner. Dearborn discloses a collapsible protective liner with a container for storage and transportation of the liner (50, Figure 8, column 6, lines 32-35) with a drawstring closure and a carrying strap formed by the end of the drawstring. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a container for the liner with a closure and a carrying strap as disclosed by Dearborn with the liner disclosed by Cesare and Zheng to provide for easy storage and handling of the collapsed liner.

6. Claims 10 to 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cesare and Zheng, in view of Dearborn. Cesare and Zheng disclose the protective liner of claim 1 having an uncollapsed and collapsed orientation but do not teach use of a container for the collapsed liner. Dearborn discloses a collapsible protective liner with a container for storage and transportation of the liner (50, Figure 8, column 6, lines 32-35) with a drawstring closure and a carrying strap formed by the end of the drawstring. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have incorporated the use of a container for the liner with a closure and a carrying strap as disclosed by Dearborn with the liner disclosed by Cesare and Zheng to provide for easy storage and handling of the collapsed liner.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cesare in view of Zheng, Dearborn and Lester et al. Cesare, Zheng and Dearborn disclose the protective liner comprising a floor, a sleeve and a resilient frame, made from a flexible substantially impermeable material, having a shape and size substantially the same as the shape and size of a vehicle storage area, removeably attached to a vehicle storage area, having an uncollapsed and collapsed orientation and a container with a closure for protecting and transporting the collapsed liner as discussed above. Cesare, Zheng and Dearborn do not teach the container has two straps. Lester et al discloses a container for protecting and transporting a protective liner with two carrying straps (Figure 5, column 3, lines 29-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a container for protection and transportation of the liner having two carrying straps as disclosed by Lester et al with the liner disclosed by Cesare, Zheng and Dearborn to reduce the load and, thus, the stress on each handle and provide for easier and more comfortable handling of the collapsed liner.

8. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cesare as modified by Zheng in view of Kirimoto et al (3,997,507). Cesare as modified by Zheng discloses the invention except for the use of a stain repellent coating. Kirimoto et al discloses coatings that can be applied to articles to make them

oil-, water-, and stain-repellent (column 4, lines 41-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the coating as disclosed by Kirimoto et al in the liner disclosed by Cesare and Zheng to provide an oil-, water-, and stain-repellent liner to prevent damage to the liner or its contents.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cesare as modified by Zheng, Dearborn and Lester et al. in claim 17 in view of Kirimoto et al (3,997,507). Cesare as modified by Zheng, Dearborn and Lester et al. discloses the invention except for the use of a stain repellent coating. Kirimoto et al discloses coatings that can be applied to articles to make them oil-, water-, and stain-repellent (column 4, lines 41-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the coating as disclosed by Kirimoto et al in the liner disclosed by claim 17 to provide an oil-, water-, and stain-repellent liner to prevent damage to the liner or its contents.

Response to Arguments

10. Applicant's arguments filed May 11, 2006 have been fully considered but they are not persuasive.

11. In response to applicant's argument that Zheng is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case,

Zheng teaches collapsible structures that may be twisted and folded to reduce the overall size of the structures to facilitate convenient storage and use. The teaching of Zheng is pertinent to the particular problem being addressed, the need for a flexible resilient frame to allow the liner to stand alone and be collapsed for storage. It would have been obvious to one of ordinary skill in the art to make use of a flexible resilient frame used in a structure with fabric panels as taught by Zheng to accomplish the desired result.

12. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Dearborn discloses a collapsible liner for a vehicle storage area and the use of a storage and transportation container for the collapsed liner. Lester discloses a storage and transportation container having two straps for a collapsible protective structure used in a vehicle storage area. Combination of Cesare and Zheng with Dearborn and Lester et al would be obvious to one of ordinary skill in the art since they represent knowledge generally available to one of ordinary skill in the art.

Applicant's arguments, see amendment, filed May 11, 2006, with respect to Jones have been fully considered and are persuasive.

Conclusion


14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

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